

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 25-27, 30-32, and 35-48 are currently pending. Claims 25 and 30 have been amended; and Claim 49 has been added by the present amendment. The changes and additions to the claims are supported by the originally filed specification and do not add new matter.¹

In the outstanding Office Action, Claims 25, 30, 32, and 35-48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,911,779 to Lenhardt in view of FR Patent Application Publication No. 2636380 to Quelen and FR Patent Application Publication No. 2807783 to Demars (hereinafter “Demars”), asserted to correspond to U.S. Patent No. 7,141,282 (hereinafter “Demars ‘282”); and Claims 26, 27, and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lenhardt in view of Quelen, Demars, and U.S. Patent No. 5,358,568 to Okano et al. (hereinafter “Okano”).

STATEMENT OF SUBSTANCE OF INTERVIEW

Applicants wish to thank Examiner Lee and Supervisory Patent Examiner Wyrozebski for the interview granted Applicants’ representative on April 21, 2010, at which time proposed amendments were discussed. In particular, proposed amendments to independent Claim 25 to differentiate the first tool and the second tool, and to recite a fixed support to hold the second tool, were discussed. The Examiners indicated that the proposed amendments appear to overcome the outstanding rejections of the claims, pending further search and consideration upon formal submission of a response to the outstanding Office Action.

¹ See, e.g., Figures 1 and 8, and the discussion related thereto in the originally filed specification.

REJECTION UNDER 35 U.S.C. § 103

Amended Claim 25 is directed to a tool holder device for supporting at least one tool configured to collaborate with an edge of at least one substrate, the device comprising:

a first tool configured to move translationally or rotationally;

a second tool arranged fixedly and configured to operate while the at least one substrate is moving translationally;

a rotary support configured to receive the first tool, and to move translationally along a vertical beam and rotationally relative to the at least one substrate;

the vertical beam provided with the rotary support and with a linear guidance element extending at least partially over a height of the vertical beam, the linear guidance element being configured to prevent the rotary support from rotating when the rotary support is moved translationally, wherein

the at least one substrate is moved translationally relative to the first tool supported by the rotary support, as the first tool is operating in a predetermined position,

collaboration between the first tool and the at least one substrate occurs with or without contact relative to an edge face of the at least one substrate, and

the first tool is of a first tool type configured to apply and bond an interlayer to all or part of a periphery and to the edge faces of at least two substrates facing each other, and the second tool is of a second tool type configured to measure, machine, shape, or surface treat the at least one substrate, the first tool type being different from the second tool type.

Regarding the rejection of Claim 25 under 35 U.S.C. § 103(a), the Office Action apparently acknowledges, and it is respectfully submitted, that Lenhardt and Quelen, alone or in proper combination, fail to disclose at least the second tool of Claim 25. Rather, the Office Action cites Demars for such a teaching.² Thus, it is respectfully submitted that Lenhardt and Quelen fail to disclose the second tool now defined in Claim 25.

² See Office Action dated February 26, 2010, pages 3 and 4.

Demars is directed to an insulating glazing unit and its manufacturing process. The Office Action apparently cites the Demars press rollers for teaching the claimed first and second tools.³

However, it is respectfully submitted that Demars fails to disclose that the first tool is of a first tool type configured to apply and bond an interlayer to all or part of a periphery and to the edge faces of at least two substrates facing each other, and the second tool is of a second tool type configured to measure, machine, shape, or surface treat the at least one substrate, the first tool type being different from the second tool type. Rather, as cited in the Office Action, Demars discusses the use of two press rollers 54.⁴ Demars does not disclose that the two rollers 54 are of *different tool types*.

Further, Applicants respectfully traverse the assertion in the Office Action that “it would be obvious to one of ordinary skill in the art to substitute any other tool (such as those taught in the cited prior art) in the place of **one** of the tools of Demars.”⁵ In particular, MPEP § 2143.01(V) provides that

If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Demars discusses that “[t]o **save time** in the girding operation, it is preferable to provide two rollers 54 which are driven in two opposed directions to carry out the girding of two halves of the perimeter simultaneously.”⁶ However, if Demars were modified to substitute one of the tools as proposed by the Office Action, the Demars system would be rendered unsatisfactory for its intended purpose of using two of the same tool type to save time.

³ See Office Action dated February 26, 2010, pages 3 and 4.

⁴ See Demars ‘282, column 6, lines 36-39.

⁵ See Office Action dated February 26, 2010, page 7.

⁶ See Demars ‘282, column 6, lines 36-39.

Thus, no matter how the teachings of Lenhardt, Quelen, and Demars are combined, the combination does not teach or suggest the second tool of Claim 25. Accordingly, it is respectfully submitted that Claim 25 (and all associated dependent claims) patentably defines over any proper combination of Lenhardt, Quelen, and Demars.

Regarding the rejections of dependent Claims 26, 27, and 31 under 35 U.S.C. § 103(a), it is respectfully submitted that Okano fails to remedy the deficiencies of Lenhardt, Quelen, and Demars, as discussed above. Accordingly, it is respectfully submitted that dependent Claims 26, 27, and 31 patentably define over any proper combination of Lenhardt, Quelen, Demars, and Okano.

CONCLUSION

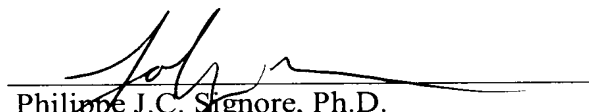
The present amendment also sets forth new Claim 49 for examination on the merits. No new matter has been added. New Claim 49 further recites that the vertical beam is provided with a fixed support that is configured to hold the second tool. It is respectfully submitted that this more detailed feature is not disclosed or suggested by the applied references.

Thus, it is respectfully submitted that independent Claim 25 (and all associated dependent claims) patentably defines over Lenhardt, Quelen, Demars, and Okano.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. A favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.


Philippe J.C. Signore, Ph.D.
Attorney of Record
Registration No. 43,922

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/09)
3735060 1.DOC

Johnny Ma
Registration No. 59,976